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Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
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David A. Hansell
Commissioner

Administrative Directive

Section 1

Transmittal:	09-ADM-10
To:	Local District Commissioners
Issuing Division/Office :	Center for Employment and Economic Supports
Date:	May 28, 2009
Subject:	Shelter Supplementation Plans for Safety Net Assistance Single Adults and Childless Couples
Suggested Distribution:	Temporary Assistance Directors Medicaid Directors Food Stamp Directors Employment Coordinators TOP Coordinators Staff Development Coordinators
Contact Person(s):	Temporary Assistance Policy Questions: Temporary Assistance Bureau at (518) 474-9344
Attachments:	Attachment A - Model District Application For Shelter Allowance Supplement
Attachment Available On – Line:	yes

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
03 ADM-07 04 INF-07		352.3(a)(3)	Chapter 53 of the Laws of 2009		

Section 2

I. Summary

- This Administrative Directive (ADM) informs local social services districts (districts) of recent changes to the law that provide authority to districts for a Temporary Assistance (TA) shelter allowance supplement for Safety Net Assistance (SNA) single adults and childless couples to prevent eviction and address homelessness. This authority is contingent upon approval from the Office of Temporary and Disability Assistance (OTDA) and Division of the Budget (DOB).
- The directive also outlines procedures for submission and approval of district SNA single adult and childless couple shelter supplementation plans.
- Attachment A – Model District Application for Shelter Allowance Supplement is a template districts may use to guide them in the plan submission process.
- For a September 1, 2009, start-up date, district shelter supplementation plans must be submitted to OTDA by June 15, 2009, and approved by OTDA and DOB by July 15, 2009. Plans submitted outside of this timeline may be approved for start-up at a later date.

II. Purpose

The purpose of this directive is to inform districts of recent changes that provide authority to districts upon OTDA and DOB approval, for a TA shelter allowance supplement for SNA single adults and childless couples to prevent eviction and address homelessness. The directive also outlines procedures for submission and approval of district SNA single adult and childless couple shelter supplementation plans.

III. Background

Housing costs have risen steadily in New York over the past 20 years. Because of this, it has become increasingly difficult for single adults and childless couples to find permanent housing when they become homeless. This results in these individuals being placed in temporary housing accommodations such as homeless shelters, hotels/motels, boarding houses or other temporary accommodations. These temporary arrangements are costly to districts and do not provide long term solutions to housing this population.

This housing problem has been exacerbated by the increasing unavailability of boarding houses. These temporary housing alternatives are no longer as readily available as they once were and this requires the districts to invest greater staff resources and spend more to assist clients to find adequate night time accommodations. The use of hotels/motels is increasing around New York, and this is a costly alternative to permanent housing. In the past five years, many districts have significantly increased their usage of hotel/motel placements for single adults. However, there are some districts that have a reverse problem; they no longer can find hotels/motels to place their homeless single adult

population. With the cost for a monthly stay at a hotel/motel frequently exceeding \$1,300 month, these placements, which the districts have always used as a last resort, have become a first resort when available.

For homeless individuals who are moving from temporary housing into permanent housing, TA is often a stabilizing factor allowing individuals to begin working or increase earnings as they receive assistance to help pay bills, food and rent. When necessary, rent supplements also are a stabilizing factor, helping pay for some of the rent until the individual becomes self-sufficient.

Current regulation, 18 NYCRR 352.3(a)(3)(i), provides a local option for shelter supplementation of the TA shelter allowance to TA applicant/recipient families upon State approval. Chapter 53 of the Laws of 2009 extends this authority to provide shelter supplementation to single adults and childless couple applicants and recipients. OTDA and State DOB approval is required prior to implementation of any approved shelter supplementation plan. Plans will be approved only if they are cost neutral or cost effective.

IV. Program Implications

This supplement is to provide an additional shelter payment in excess of the shelter allowance maxima to prevent eviction and address homelessness. This shelter supplement is not included in calculating the standard of need and, therefore, would not be considered (by the Automated Budgeting and Eligibility Logic (ABEL)) when computing financial eligibility (i.e., the supplement is not used for TA eligibility when computing the needs or applying the gross income tests).

V. Required Action

Districts that want to provide a shelter supplement to SNA single adults and childless couples need to submit plans (see Attachment A) for OTDA and DOB approval in order to receive authority to provide the shelter supplement. The plans must address the following:

- **Why is the shelter allowance supplementation necessary (i.e., the district's justification for the supplement)?** At a minimum, districts should address the following issues: availability of low income housing, vacancy rates, eviction rates, availability of public housing, length of temporary shelter stays, and how the supplement will impact work incentives. Data on these issues should be provided. Additionally, districts would need to explain the purpose(s) for which the supplement is to be used: find or retain housing, ameliorate homelessness, deal with domestic violence (DV), etc.
- **What is the effective date of the plan?** Districts need to identify the effective date of the plan. Reimbursement for shelter supplementation for single adults and childless couples will be at the same rate as provided by the TA program under

which payment is authorized. For single adults and childless couples this will be the SNA reimbursement rate.

- **Who would be eligible to receive shelter supplementation?** Districts must define the targeted population, such as: individuals in shelters, individuals pending eviction, individuals in shelters for at least three months, cases in which disabilities prevent earnings, or specified case-by-case situations.
- **OTDA will not approve plans that provide for shelter supplementation for TA applicants/recipients that include an amount that replaces the TA grant lost due to sanction. Neither will plans be approved that provide for shelter supplementation for persons residing in Section 8 supported housing (except for Section 236 housing or “enhanced” voucher housing) or public housing. In addition, plans may not be approved that provide for TA supplementation in addition to other government provided shelter supplementation.**
- **What will be the amount of the supplement?** The amount of the supplement needs to be specified, including whether it will be in different amounts for varying groups (e.g., homeless individuals or domestic violence (DV) victims will receive a larger supplement, etc.). Because the plan must be cost effective or cost neutral, districts must carefully weigh the amount of the supplemental allowance that the plan will provide and the time period for which it will be provided. Upon approval, normal fiscal claiming and reimbursement for SNA will apply.
- **OTDA will not approve plans that provide for shelter supplementation that includes any amount for court costs, legal fees or late charges.**
- **What will be the anticipated financial costs of the supplementation as compared to savings?** Districts must estimate the annual financial savings associated with the supplementation. Plans will only be approved that are cost effective or cost neutral.
- **OTDA may require districts to submit reports on a monthly basis related to supplementation addressing such areas as case size, number of placements, number who leave TA, number who become employed, etc. Any such required reports will be addressed in OTDA’s plan approval letter or subsequent correspondence.**
- **How will the supplementation process work?** District plans must address in detail how eligibility for a supplemental shelter allowance will be determined. Among the variables that **must** be addressed are:
 1. How much will non-legally responsible Non-Temporary Assistance (NTA) persons residing in the same dwelling be required to contribute towards the excess shelter costs? (e.g., a prorata share of rent costs, 30 percent of income, the lesser of these two variables, etc.). Will SSI recipients or ineligible aliens residing in the household be expected to contribute toward rent cost? If so, how will this amount be determined?

2. How will contributions toward rent from individuals outside the household be verified and what standards will be applied in determining whether such contributions can be sustained in the future? How will the district assure that third party contributors are not legally responsible relatives?
 3. Will the district require that there be a court proceeding concerning the nonpayment of shelter cost prior to the person being determined eligible for supplemental shelter payments? If not, how will the district determine that the shelter arrears are legitimate and the responsibility of the TA recipient?
 4. How will co-tenant of record lease arrangements be handled? Will leases be required of all tenants of record?
 5. Will shelter arrears for shelter supplementation cases be limited in monetary amount (e.g., \$3,000) or to a certain period of arrears (e.g., six months)?
 6. How will the district handle modifications (moves, rent increases, etc.)? What standards will be followed in determining whether supplementation will continue following a move? Will the district require the recipient of the supplemental shelter allowance to report changes related to the supplemental allowance timely as a condition of eligibility for the allowance?
 7. Will any local forms be used to facilitate the supplementation process? If so, copies must be provided with the plan.
 8. Will there be any health and safety standards regarding the housing that must be met prior to paying supplemental allowances or arrears?
 9. Will the supplemental allowance be time limited in any way?
 10. Will the supplementation process include a onetime incentive payment to the landlord?
 11. How will the district ensure that the existence of the supplement does not adversely affect the ability of NTAs (i.e., low income working individuals) to find and retain affordable housing?
- **OTDA will not approve plans that provide for shelter supplementation when any member of the TA household has lost Section 8 supported or public housing within the last two years without good cause.**

- **Requests** by a district for plan approval to administer a shelter supplement program must be submitted to:

Russell Sykes
Deputy Commissioner
Center for Employment and Economic Supports
Office of Temporary and Disability Assistance
40 North Pearl Street
Albany, New York, 12243
Email – Russell.Sykes@otda.state.ny.us
Fax - (518) 473-0511

- **Plan submissions must be made by June 15, 2009, if a district is interested in providing a TA supplement as of September 1, 2009.** After this date, the date of approval of district plan submissions will be contingent upon WMS reprogramming needs. OTDA will process district submissions within 30 days of receipt (though the effective date of the implementation may be later). If additional information is required from the district to complete the plan, the 30-day period may be extended. Districts must submit Attachment A, which summarizes the plan, and include a financial estimate of the cost savings/neutrality of the plan along with other documentation necessary to answer all of the questions asked above.

VI. Food Stamps (FS) Implications

For TA/FS households, the increase in TA income resulting from shelter supplements must be counted as income and generally will reduce the monthly FS benefit amount. For shelter supplements that are not intended to be regular or recurring, or are short-term and issued in response to an emergency, OTDA is exploring the possibility of excluding these payments as income in the calculation of FS benefits. Once OTDA receives federal guidance on this policy, the “Food Stamp Implications” will be updated, as necessary.

VII. Systems Implications

Rest of State

WMS currently supports the budgeting of a supplemental rent allowance upstate. In ABEL, PA additional allowance code 42 “Supplemental Shelter Allowance” will provide the supplemental allowance amount up to the amount that has been approved by OTDA.

However, since the use of this code is limited to districts with approved supplemental shelter plans, the following schedule will be adhered to for reprogramming ABEL to accommodate individual district start-up:

APPROVAL FROM OTDA BY:

PROGRAMMED

EFFECTIVE

7/15

8/1

9/1

10/1

11/1

12/1

1/1

2/1

3/1

4/1

5/1

6/1

Districts will be advised of any additional systems changes to accommodate FS budgeting of the district specific supplemental shelter allowance under separate cover.

New York City

WMS currently supports the budgeting of a supplemental rent allowance. The Human Resources Administration will be advised of any additional systems changes to accommodate supplementation policy under separate cover when appropriate.

VIII. Effective Date

This release is effective immediately, and shelter supplementation plans are effective upon OTDA and DOB approval.

Issued By

Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Center for Employment and Economic Supports

Model District Application for Shelter Allowance Supplement

Local District: _____

Contact Person: _____

Telephone: _____

Email: _____

Implementation Date: _____

Amount of Supplement (for example: Case Size, Shelter Maximum, Supplement Amount):

Type of Cases Covered by Supplement/Targeted Population:

List eligibility criteria and how determined and documented including the following:

1. How much will non-legally responsible Non-Temporary Assistance (NTA) persons residing in the same dwelling be required to contribute towards the excess shelter costs (e.g., a prorata share of rent costs, 30 percent of income, the lesser of these two variables, etc.)?

Will SSI recipients or ineligible aliens residing in the household be expected to contribute towards rent cost? _____

If so, how will this amount be determined? _____

2. How will contributions towards rent from individuals outside the household be verified and what standards will be applied in determining whether such contributions can be sustained in the future? _____

How will the district assure that third party contributors are not legally responsible relatives? _____

3. Will the district require that there be a court proceeding concerning the nonpayment of shelter costs prior to the individual being determined eligible for supplemental shelter payments? _____

If not, how will the district determine that the shelter arrears are legitimate and the responsibility of the TA recipient? _____

4. How will co-tenant of record lease arrangements be handled? _____

Will leases be required of all tenants of record? _____

5. Will shelter arrears for shelter supplementation cases be limited in monetary amount (e.g., \$3,000) or to a specific time period (e.g., six months of arrears)? _____

If yes, please detail: _____

6. How will the district handle modifications (e.g., moves, rent increases, etc)? _____

What standards will be followed in determining whether supplementation will continue following a move? _____

Will the district require the recipient of the supplemental shelter allowance to report changes related to the supplemental allowance timely, as a condition of eligibility for the allowance? _____

7. Will any local forms be used to facilitate the supplementation process? _____

If so, copies must be provided with the plan.

8. Will there be any health and safety standards regarding the housing that must be met prior to paying supplemental allowances or arrears? _____

9. Will the supplemental allowance be time limited in any way? _____

10. Will the supplementation process include a onetime incentive payment to the landlord? _____

11. How will the district ensure that the existence of the supplement does not adversely affect the ability of non-TA recipient individuals or childless couples (i.e. low income working individuals or childless couples) to find and retain affordable housing? _____

Length of Time Supplement Offered to Individual Cases: (e.g. 3 months, 6 months, indefinitely etc.)

Estimate of Cost Savings/Neutrality (Show all calculations):

Gross

State

Local

Purpose/Justification (Provide relevant statistics): _____

Additional Information: _____
